

# **Title 16**

## **WOODSTOVES**

### **Chapter 16.04**

#### **GENERAL PROVISIONS**

##### **16.04.010 Intent.**

The King County board of health finds and declares that the use of woodstoves and other solid fuel burning heating devices are responsible for a significant portion of the atmospheric pollutants in our neighborhoods during winter months. These pollutants are linked to various human diseases. While current laws regulating woodstoves have had an effect on reducing atmospheric emissions, additional regulations authorized by state law and in conjunction with existing state laws will benefit the public health by further reducing particulate emissions. In the interest of protecting the public health and safety of the people of King County, the King County board of health seeks to develop a strict, comprehensive, effective and enforceable system to control the sale and use of woodstoves within King County.  
(R&R 70 §1(part), 8-12-91)

##### **16.04.020 Purpose and policy declared.**

A. This title is enacted as an exercise of the police power of King County to protect and preserve the public health and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is the express purpose of this title to provide for and to promote the health and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this title.

C. It is the specific intent of this title to place the obligation of complying with its requirements upon any woodstove owner, operator, wholesale, retail or private seller, wood seller, fuel seller and any other person falling within its scope, and no provision of, nor term used in this title is intended to impose any duty whatsoever upon the county or any of its officers or employees, for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

D. Nothing contained in this title is intended to be, nor shall be construed to create or to form the basis for, a liability on the part of the county, or its officers, employees or agents, for any injury or damage resulting from the failure of any woodstove owner, operator, wholesale, retail or private seller, wood seller, fuel seller and any other person falling within its scope to comply with this title, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this title on the part of the county by its officers, employees or

agents.  
(R&R 70 §1(part), 8-12-91)

#### **16.04.030 Scope.**

The provisions of this title provide for the licensing and regulation of the use and sale for use in King County of woodstoves and the storage and sale and seasoning of fuel woods.  
(R&R 70 §1(part), 8-12-91)

#### **16.04.040 Applicability.**

This title shall apply to all woodstoves, whether ownership is private or public, and regardless of whether the intended use is commercial or private.  
(R&R 70 §1(part), 8-12-91)

#### **16.04.050 Administration.**

The director may develop rules to implement sections of this title as may be needed and to make these available for distribution. Establishment of such rules shall allow for public comment.  
(R&R 70 §1(part), 8-12-91)

## **Chapter 16.08 DEFINITIONS**

#### **16.08.010 Certified woodstove.**

"Certified woodstove" means a woodheater defined by and certified in accordance with 40 CFR Part 60 Subpart AAA, as amended through July 30, 1991.  
(R&R 70 §1(part), 8-12-91)

#### **16.08.020 Director.**

"Director" means the director of the Seattle-King County department of public health.  
(R&R 70 §1(part), 8-12-91)

#### **16.08.030 Person.**

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company or any branch of state or local government.  
(R&R 70 §1(part), 8-12-91)

#### **16.08.040 Remodeled.**

"Remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.  
(R&R 70 §1(part), 8-12-91)

#### **16.08.050 Retail seller of firewood.**

"Retail seller of firewood" means any individual, partnership, company, corporation or other person who sells, offers to sell, purvey or convey firewood to the final consumer of such. (R&R 70 §1(part), 8-12-91)

#### **16.08.060 Rural area.**

"Rural area" means the geographical areas designated in the county comprehensive plan map as rural areas. (R&R 70 §1(part), 8-12-91)

#### **16.08.070 Uncertified woodstove.**

"Uncertified woodstove" means any woodheater as defined by 40 CFR Part 60 Subpart AAA as amended through July 30, 1991 and manufactured at any time and which is not certified in accordance with that federal regulation and which has not been exempted by the director. (R&R 70 §1(part), 8-12-91)

#### **16.08.080 Urban areas.**

"Urban areas" means all areas other than rural areas. (R&R 70 §1(part), 8-12-91)

#### **16.08.090 Woodstove.**

"Woodstove" means a "wood heater" defined by 40 CFR Part 60 Subpart AAA as of July 30, 1991 except those devices not required to meet emission certification requirements by 40 CFR Part 60 Subpart AAA or Washington State statutes RCW 70.94 and associated administrative rules as of July 30, 1991 which are used for space heating and which rely on the combustion of solid fuel such as wood or other material permitted under this title. (R&R 70 §1(part), 8-12-91)

## **Chapter 16.12 GENERAL**

#### **16.12.010 General.**

A. No woodstove will be permitted to be used as the sole source of adequate heat in any new or remodeled dwelling or structure.

B. All certified woodstoves installed in any dwelling must be approved by an independent testing laboratory that the woodstove meets all applicable portions of the Underwriters' Laboratory listing requirements for safety and if the woodstove includes a catalytic combuster, the combuster must be warranted to meet or exceed the requirements of 40 CFR Part 60 Subpart AAA as of July 30, 1991. The board finds that durability and safety of the product are directly related to emission from the woodstoves.

C. The installation or sale for use in King County by any person of any uncertified woodstove is prohibited.

D. Any person responsible for the operation of a woodstove shall ensure that the fuel is

covered in a manner to stop rain or other moisture sources from wetting the fuel and which allows sufficient air flow around the fuel to allow it to season (dry). The director may establish guidelines to assist regulated parties in complying with this rule.

E. As provided by RCW 70.94.477 and associated administrative rules, fuel for all woodstoves shall be only untreated wood or lumber with a moisture content of 20% or less, newsprint for the purpose of starting a fire only and products manufactured for the sole purpose of use as fuel.

All other materials including, but not limited to, treated wood, plastics, garbage, plywood, particle board, rubber products, animal carcasses, asphaltic products, waste petroleum products, paints and chemicals are prohibited from being burned in a woodstove or fireplace.

F. No wood with a moisture content greater than twenty percent (20%) moisture may be sold by a retail seller of firewood unless a sales receipt is issued to the consumer which contains the name, address and phone number of the seller and the following notice: "UNSEASONED FIREWOOD, MOISTURE CONTENT EXCEEDS 20%; ATTEMPT TO BURN WILL RESULT IN EXCESS SMOKE AND CREOSOTE FORMATION. IT IS ILLEGAL TO BURN WOOD UNTIL DRIED TO 20% OR LESS MOISTURE CONTENT."

G. The director shall provide assistance to sellers and buyers of wood in measuring the moisture content of wood and in developing specific educational materials for their use.  
(R&R 70 §1(part), 8-12-91)

#### **16.12.020 Buyback.**

The director is authorized to establish an uncertified woodstove removal program which may incorporate various financial incentives for energy conservation and air quality improvements, including but not limited to household insulation and insulating products, as well as uncertified woodstove replacement, and substitution of heating methods or devices including certified woodstoves. The director shall assist administratively and financially to the extent possible, programs of this type established by other state and local agencies so as to minimize administrative duplications and costs.

(R&R 70 §1(part), 8-12-91)

#### **16.12.030 Public education.**

The director shall assist other state and local agencies with a program of public education, emphasizing proper burning and fuel storage techniques to ensure the lowest emissions from woodstoves and to ensure the least adverse health effects on the public.

(R&R 70 §1(part), 8-12-91)

#### **16.12.040 Woodstove operator test.**

The director is authorized to establish a woodstove operator's test to ensure the proficiency of woodstove operators. The director may approve programs established by other parties in lieu of a department program if the director finds they will meet the intent of this section. A maximum fee of five dollars (\$5.00) is established for the administration of each departmental operator's test.

(R&R 70 §1(part), 8-12-91)

#### **16.12.050 Woodstove use within urban areas.**

All uncertified woodstoves must be removed or replaced at the time of sale of the premises. Any replacement must be a certified woodstove, certified for manufacture after July 1, 1990, a pellet stove or masonry heater of a design shown to have particulate emissions not exceeding standards established by RCW 70.94 as amended through July 30, 1991; provided, this provision shall not be effective until the buyback program of Section 16.12.020 has a balance of fifty thousand dollars (\$50,000.00) available for assistance to the regulated parties. (R&R 70 §1(part), 8-12-91)

#### **16.12.060 Permits and licenses required.**

A. Permit. The department shall require any person wishing to install a woodstove in any premises in the county to first obtain a permit for that purpose. Application shall be made on form provided by the director. The director shall require sufficient information from the applicant to ensure that the requirements of this title can be met. The cost of the permit shall be fifty dollars (\$50.00), except no department fee shall apply if the director delegates to any city or county department the authority to carry out a substantially equivalent inspection program which protects the public health. The director shall avoid duplication of installation inspections.

B. Firewood Sellers License. No person may be a retail seller of firewood in the county unless that person shall first obtain a license form the department of public health, except sellers of wood with sales less than ten (10) cords per year shall be exempt. The license shall be issued annually provided the licensee complies with the provisions of this title. Such license shall be nontransferable except that if a licensee changes address, a new license will be issued for the new address. The cost of the annual license shall be one hundred dollars (\$100.00) for sales of equal to or greater than twenty (20) cords of wood per year; and fifty dollars (\$50.00) for sales equal to or greater than ten but less than twenty cords/year. The fee to replace a license or to issue a new license for a new address shall be five dollars (\$5.00). Annual fees shall be assessed for the period October 1st to September 30th. (R&R 70 §1(part), 8-12-91)

#### **16.12.070 Exemptions.**

A. All woodstoves exempt from the provisions of 40 CFR Part 60 Subpart AAA are also, to the extent of such exemption, exempt from the provisions of this title.

B. Antique woodstoves shall be exempt from the licensing and permitting and replacement provisions of this title; an antique woodstove for this purpose is one manufactured prior to 1940.

C. All woodstoves exempt by RCW Chapter 70.94, and regulations promulgated thereunder, to the extent of such exemption are also exempted from provisions of this title.

D. Any person claiming exemption under this section shall have the burden of proof of establishing the right to the exemption to the satisfaction of the director.

E. No exemption from burning regulations shall be valid unless registered with the director. The register of such exemptions shall be reported to the Puget Sound air pollution control authority. (R&R 70 §1(part), 8-12-91)

#### **16.12.080 Waivers.**

A. The director may at his or her sole discretion, waive parts of this title upon a showing

by an applicant that a waiver may be made in an individual case without adversely affecting the health and welfare of the public.

B. The request for waiver is to be filed on a form provided by the director, citing the applicable portion(s) of the regulation for which a waiver is sought, accompanied by any technical reports or exhibits the applicant wishes the director to consider. A fee of fifty dollars (\$50.00) shall accompany a request for waiver.

C. The applicant shall cause notice of the request for waiver to be provided to the owners or occupants of all premises within three hundred (300) feet of the affected premises no later than ten days following submittal of the application. Such notice shall include the right of any affected person to submit oral or written testimony to the director. No waiver shall be issued until at least thirty days have elapsed following submittal of the application.

(R&R 70 §1(part), 8-12-91)